37. Need for a Munisiff's court at Pattanamtitta.

MR. K. M. MATHAI (*Member, Pattanamtitta taluk*) pressed on the attention of the Government the need for a Munsiff's court at Pattanamtitta and said that in the matter of population, revenue, and material wealth and in several other respects, Pattanamtitta taluk was pushing to the forefront. The amount spent upon the taluk for the conveniences and the material advancement of the taluk bore only an insignificant proportion to its contribution to the revenues of the State. When compared with many other taluks, Pattanamtitta had a larger number of banks, registered and unregistered *chitties*, several large commercial concerns, co-operative societies, transfers of landed property, etc., with the result that matters for adjudication by law courts were growing almost daily. Parties from Kumbazha *pauthi* which fell within the jurisdiction of the Adur Munsiff's court had to cover a distance of nearly 48 miles and the people of some of the other *pakuthies* 16 to 20 miles to reach the Adur and Chengannur Munsiffs' courts between whose jurisdictions were distributed the *pakuthies* of the Pattanamtitta taluk. Furthermore, traffic during the rainy season was dangerous on account of the heavy floods in the Pampa, Achankoil, Kallar and other rivers. A Munsiff's court at Pattanamtitta would serve the needs of the whole of Pattanamtitta taluk as well as of Mallapuzhasseri, Ayirur and Pantalam Vadakkekara *pakuthies* of the Tiruvalla taluk as also portions of the Mavelikara taluk comprising Pantalam Tekkekara and Koduman *pakuthies*. The Munsiffs' courts in the rest of the Quilon Division were so closely situated that if a redistribution were made, Pattanamtitta could be given a Munsiff's court for itself without great expense.

DEWAN'S REPLY: Mr. Mathai, your representation will be referred to the High Court and they will be asked to make a recommendation to the Government.

38. Need for a Munsiff's court for Todupuzha taluk.

MR. PERUMAL PILLAI SANKARA PILLAI (*Member, Todupuzha taluk*) said that his subject was being represented in the Sri Mulam Popular Assembly from its seventh session onwards, but nothing had yet been done to redress the grievances of the people of his taluk in spite of the promise made by the Government in 1925 to the deputation of the people of Todupuzha. Mr. Justice Sankara Pillai had visited the place in the course of his tour of inspection and was convinced of the need for a Munsiff's court there. In point of education, communications, etc., Todupuzha taluk occupied almost the lowest rungs. The distance from Todupuzha taluk to the Muvattupuzha Munsiff's court ranged from 12 to 40 miles. A Munsiff's court should be established at Todupuzha, or in the alternative, at least a Munsiff-Magistrate's court should be established there.

DEWAN'S REPLY: Mr. Sankara Pillai, the High Court have definitely recommended that a Munsiff-Magistrate's court having both criminal and civil jurisdiction over all the *pakuthies* included in the Todupuzha taluk should be established at Todupuzha. The proposal has recently been received by the Government and is receiving their consideration. Of course, before the Government can definitely decide, they must know whether there is a suitable building available to house the court.

MEMBER: The Tahsildar's quarters were built at a time when houses could not be had at Todupuzha for rent. Conditions have now changed. The sub-registrar's office may therefore be shifted to the Tahsildar's quarters and the Munsiff-Magistrate's court housed in the building now used as sub-registrar's office.

DEWAN: The matter will be considered.

39. Need for a Magistrate's court of the first or second class at Parur.

MR. KANAKKU GOVINDAN VELAYUDHAN (*Member, Parur taluk*) said that Parur taluk bordered on the Cochin territory, and when cases involving the violation of the Abkari Regulation, Rules, etc., arose, the Excise officers and the witnesses in those cases had to go as far as Alwaye. The remoteness of the Alwaye Magistrate's court and the difficulties in prosecuting the cases there took away from the Excise officers their sense of honesty. Crimes increased

LIBRARY ARCHIVES Kerala Legislative Assembly

when the means of livelihood became more and more limited. On account of the remoteness of the Magistrate's court, again, redress of grievances became difficult with the result that criminality among the people increased. This was the case with Parur. Alwaye having only a Magistrate of the second class, there was no lawyer in Alwaye of learning or astuteness who might be consulted in criminal cases. When Parur had a Magistrate's court, a large number of cases arising in Puttanchira used to be filed there. There was a remarkable decrease in the number now, from which it could be inferred that the people in the locality would rather put up with their sufferings than seek redress in the Magistrate's court at Alwaye or Perumbavur which to them was a more serious trouble. He requested therefore that a Magistrate's court of the first or second class should be established at Parur.

DEWAN'S REPLY: Mr. Velayudhan, Government have at present under examination a proposal to invest the Tahsildar at Parur with magisterial powers. The matter will be disposed of before long.

40. Some difficulties of the litigant public.

MR. S. M. SUBRAHMANYAM (*Member, Nominated*) represented some of the difficulties experienced by the litigant public with special reference to the people of Nagercoil resulting from (i) the delays in civil courts, (ii) the present rule regarding the rate of interest and (iii) the absence of a Magistrate of the first class at Nagercoil.

In regard to the first point, he said that applications under Rule 13 of Order IX of the *Civil Procedure Code* for setting aside decrees *ex parte* were very common in the civil courts. The reason for this was that the process-servers did not serve the processes properly on the defendants. In case any process-server could not find the defendant, he should obtain the certificate of the local *Provertikar* or other *pakuthi* officer to that effect. The defendant in *ex parte* suits might be asked to deposit the decree amount in which case applications for proceeding with the suit under Rule 13 would be considerably less. Issues should be framed within a month from the date of filing the written statement so as to avoid delay on this account. The delays caused in the disposal of civil suits Nos. 1060 of 1091, 1401 of 1092, 1402 and 1517 of 1094, 126, 158, 966 and 1402 of 1095 and 446 of 1096 as also small causes Nos. 2910 of 1095 and 734 of 1098 in the Nagercoil Munsiff's court were specifically mentioned. In cases where the parties were at issue, civil suits should be disposed of within two years and in small causes within six months. Judgment should be pronounced in suits within a week of the hearing. He next pointed out the indifference of the courts in taking action on petitions presented under Section 40 and Rules 56, 87, 94, 97, 98 and 100 of Order XXI of the new *Civil Procedure Code* and cited as instances petitions Nos. 291, 293 and 527 of 1091, 706 of 1092 and 1778 of 1094, on the civil side in the Nagercoil Munsiff's court. Another cause of delay and grievance was the indifference on the part of the presiding officers in taking action against process-servers who allowed judgment-debtors placed in their custody to escape even when such irregularities were brought to their notice. There was also considerable delay in sanctioning the arrest of the judgment-debtor or the attachment of his property so that the judgment-debtor could gain enough time to abscond or remove all moveable properties in his possession to the detriment of the decree-holder. Another source of delay and grievance to the decree-holder lay in the postponement of the date of auction of the property of judgment-debtor after the date had been notified and the necessary action taken to bring the properties to sale. The member also suggested the appointment of a High Court Judge to inspect the subordinate civil courts not only during the recess but also during the working period as a means of averting the delays in civil courts.

In regard to the second point, the Member suggested the adoption, in Travancore, of the rule in British India under which interest at the rates stipulated in the documents was allowed.

LIBRARY ARCHIVES Kerala Legislative Assembly